

VZCZCXYZ0001
RR RUEHWEB

DE RUEHLGB #0946 2750548
ZNY CCCCC ZZH
R 020548Z OCT 06
FM AMEMBASSY KIGALI
TO RUEHC/SECSTATE WASHDC 3301
INFO RUEHJB/AMEMBASSY BUJUMBURA 1563
RUEHDR/AMEMBASSY DAR ES SALAAM 0757
RUEHKM/AMEMBASSY KAMPALA 1462
RUEHKB/AMEMBASSY KINSHASA 0129
RUEHNR/AMEMBASSY NAIROBI 0622
RUEHFR/AMEMBASSY PARIS 0144

C O N F I D E N T I A L KIGALI 000946

SIPDIS

SIPDIS

E.O. 12958: DECL: 9/28/2016
TAGS: [PREL](#) [PHUM](#) [RW](#)
SUBJECT: BAR PRESIDENT ON JUSTICE SYSTEM IN RWANDA

Classified By: Ambassador Michael R. Arietti, reason 1.4 (B/D)

11. (SBU) Embossos met September 27 with President of the Rwanda Bar Association Gatera Gashabana to discuss the state of the judicial system. Gashabana began by emphasizing the importance of the "text" of the 2003 Constitution. "Now we have a document which firmly establishes the independence of the judiciary -- our job is to make it a reality," he said. This could not be underestimated, he emphasized -- he and all other active members of the bar predicated all their efforts at reform and improvement upon the constitutional "text."

12. (C) The judiciary was young and inexperienced, he said. But standards for appointment had been raised, and the cadre of judges was much stronger than it had been only a few years ago. They understood the principle of an independent judiciary far better than in previous years, both in their "mentality" and in their training. There were still members of the executive branch who thought a telephone call to a judge was an appropriate means of communicating executive preferences (as opposed to motions or pleadings in a particular case by a government attorney). However, the "obligation" to be independent was taken seriously by the corps of judges, and they acted accordingly.

13. (SBU) Gashabana noted that there was an active judicial council which reviewed the performance of judges, and disciplined them if they performed poorly or acted improperly. Judges had been dismissed for misbehavior, he said, and judges were well aware that they had standards of professional behavior to which they were expected to adhere. Those judges working at the lower levels fell afoul of professional standards more often than those with more training and greater education at higher levels.

14. (C) When asked of police abuses, and reports that police officers sometimes used several days of detention to informally punish those believed to have broken the law (or irritated local authority), Gashabana agreed such cases occurred. Pointing out that officers did have powers of arrest and detention upon probable cause that an offense had been committed, what was important to observe, he said, was whether or not there was any administrative follow-up to the detention and release -- was there a case file developed, did prosecutors examine the arrest and the evidence at hand, or were the suspects merely sent on their way with no administrative record of the case?

15. (SBU) Gashabana mentioned that the Bar had grown in size, from 150 to 200 lawyers. While still limited in its capacity to provide free legal representation to indigent clients, the members of the bar took seriously their

obligation to assist the courts when called upon to do so on a pro bono basis. "We have to earn a living," he said, and no lawyer could afford to handle too many pro bono cases. Although there was a judicial fund established to provide fees to lawyers in such cases, it had not yet been funded. "When that happens, we can handle more cases."

16. (SBU) Gashabana closed the meeting by saying that the Bar was always anxious for more training for its members, and hoped the USG would keep the Bar in mind when it framed its development goals for Rwanda.

ARIETTI